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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,249	07/16/2003	Tomohiro Sekine	SUYE:001	1284

7590 01/10/2007
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EXAMINER

TARAZANO, DONALD LAWRENCE

ART UNIT	PAPER NUMBER
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1773

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/621,249

Applicant(s)

SEKINE, TOMOHIRO

Examiner

D. Lawrence Tarazano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) 0 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 7, and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

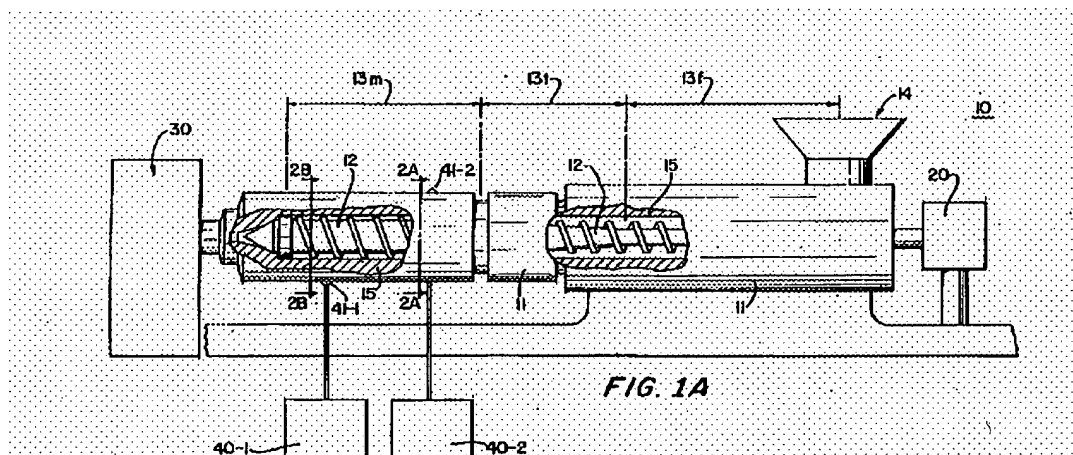
DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langois (4,125,582).

3. Langois teaches a method of making marbled parts using a melt stream of multiple colors of thermoplastic materials. The apparatus comprises the claimed screw component.



4. The essential difference between the claimed process and the process taught by the prior art is the addition of a colored transparent layer over the molded structure to control the color of the article. It is common to coat plastic structures with a transparent color layer in order to change the color of the object. This is often done for structure in which one wants aspects of the surface to show through. (e.g. a metallized structure).

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5. It would have been obvious to one having ordinary skill in the art to have coated the articles taught by Langois with a transparent color layer depending on the color of the object desired. The color provides no function other than esthetics and such a change would have been obvious to one having ordinary skill in the art at the time the invention was made since changes in color are well within the ordinary skill of the art and merely a design choice.

6. Regarding claim 2, it would have been obvious to one having ordinary skill in the art to have varied the processing conditions and choices of the plastic materials depending on what appearance was desired. The flow rate and temperature will relate to the degree of mixing and the final appearance of the object.

7. Regarding claim 7, the materials in the prior art are made of materials such that color separation is maintained otherwise the final object would be a solid color.

8. Regarding claim 8, It would have been obvious to one having ordinary skill in the art to change the base color and the over coat color to give whatever color effect was desired.

9. Claims 2-4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langois (4,125,582) in view of Beltarmo et al. (EP 1 112781 A2).

10. As discussed above Langois teach plastic substrates having patterns therein. The examiner also stated above that it is known to cover surfaces with a transparent paint to change the appearance or color of the object.

11. Beltarmo et al. teach a method of coating plastic structures with a transparent coating to change the color or light reflecting properties of the substrate (0018, 0022, 0025). Regarding the limitation that the transparent color be directly placed on the substrate.

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12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the techniques taught by Beltarmo et al. on the surface of the substrates taught by Langois so that different esthetic effects could be obtained.

13. Further in view of both the rejections made above: As a point going to the commercial availability of transparent colored paints, the Acrylicos Vallero (website attached) has made Model Paints since the 1990's, which may be used on plastic substrates. The examiner maintains that not only would it have been obvious to one having ordinary skill in the coating industry to coat materials with transparent colored paints when one did not want to obscure the appearance of the substrate and change the color, but this would have been obvious to the average person. The paint industry produces transparent paints, and people both in the industry and outside of the industry would understand how to use them and when they are useful.

14. Regarding the limitation that the transparent color be directly placed on the substrate. This naturally flows from the combination of references as the secondary reference is presented to show that transparent colored paints may be used on plastics to change their color. The applicant's arguments with respect to a painted base layer are not relevant, as one would not put an opaque layer over the variegated substrate, as this would obscure the purpose of it.

Response to Arguments

15. Applicant's arguments filed 10/26/2006 have been fully considered but they are not persuasive. The applicants incorporated the requirements of claims 5 and 6 into base claim 1. It is the examiner's position that the exact temperature and pressure of the resin is related to the

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ability of the coloring to be mixed into the base material. A high temperature will melt the resin and make it flow easily, this would allow the color to mix in to be incorporated into the base color more uniformly. A lower temperature will decrease the level of mixing. There is nothing unexpected related to the process conditions claimed. There is nothing to establish any criticality to these requirements. The examiner maintains that they merely go to the esthetics of the product produced. The applicant's arguments with respect to a painted base layer are not relevant, as one would not put an opaque layer over the variegated substrate, as this would obscure the purpose of it.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Lawrence Tarazano whose telephone number is (571)-272-1515. The examiner can normally be reached on 8:30 to 6:00 (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Lawrence Tarazano
Primary Examiner
Art Unit 1773

A handwritten signature in black ink, appearing to be 'DT' with a stylized flourish above it.